

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY DEFOGGI
ZACKARY AUSTIN,

Defendants.

8:13CR105

MOTION FOR TRIAL SETTING

COMES NOW the United States of America, by and through Assistant United States Attorney Michael P. Norris and DOJ Trial Attorneys Keith Becker and Sara Chang, and respectfully requests that the Court set a trial date for no sooner than June 23, 2014, or as soon thereafter as this case can be heard. In support of this motion the United States offers the following

1. A motion hearing was held on March 25, 2014, regarding DeFoggi's Motion in Limine (95); Motion to Suppress (105); Motion to Sever (102); and Motion for Discovery (104). These matters are pending before the Magistrate Judge who will issue an Order and Finding and Recommendations. The matters will then be forwarded for a ruling by the District Court.

2. The United States requires approximately a sixty-day notice in order to secure a material witness from Europe. The Department of Justice has begun the process for securing the witness' presence. The Office of International Affairs generally requires a sixty-day notice prior to the trial date but has begun the process without a specific date being set.

3. The undersigned and DOJ Trial Attorney Keith Becker are unavailable the week of June 16, 2014. Both will be out of the District on DOJ business.

4. This case has previously been designated as complex for Speedy Trial purposes.

WHEREFORE, the United States respectfully requests that trial of this case be set no sooner than June 23, 2014, or at a subsequent date convenient to the Court.

UNITED STATES OF AMERICA

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District of Nebraska

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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the counsel of record.

s/Michael P. Norris
MICHAEL P. NORRIS, AUSA